

JUL 12 2002 2:35PM

NO. 6344 P. 2

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July 12, 2002

Tracy Mattson
Program Analyst
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Re: Definition of Solid Waste

Dear Tracy:

Thanks for the heads up regarding next week's internal Environmental Protection Agency ("EPA") meetings regarding the Definition of Solid Waste. As we discussed, members of the Metals Industries Recycling Coalition ("MIRC") continue to believe that to promote recycling and to be consistent with the D.C. Circuit Court's mandate, EPA should think broadly and focus on how a material is recycled, as opposed to limiting itself to the short-sighted notion of what constitutes a "continuous industrial process within the generating industry." It should not matter jurisdictionally whether a metal-bearing material is generated and recycled within the same North American Industry Classification System ("NAICS") or whether it is generated in one and recycled in another, particularly when metals are concerned. All that should matter is that the material is being legitimately recycled and not discarded.

Because of the relatively short turnaround time, we were not able to prepare a comprehensive, detailed response. Instead, I have enclosed two documents. The first is the somewhat famous "spaghetti diagram." The diagram, which was prepared by Robert A. Frosch of Harvard University, depicts the complex flow of metals within the metals processing industry. The diagram does not include NAICS codes, but it should be obvious from the diagram what a significant impact a narrow definition of "generating industry" would have on the metals industry.

Second, I have enclosed some brief examples of metals recycling that demonstrate the fundamental flaws of a NAICS-based approach. Some are from entirely within the metals industry, and others involve multiple industries. The MIRC plans on developing additional examples over the coming weeks, which we will be glad to share with you.

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Again, thanks in advance for your help on this matter. Please let me know how else we can be of assistance.

Sincerely,



Chet M. Thompson

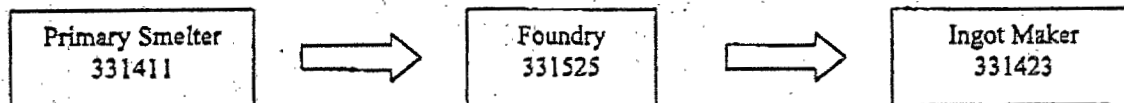
Enclosures

cc: Metals Industries Recycling Coalition

RECYCLING EXAMPLES

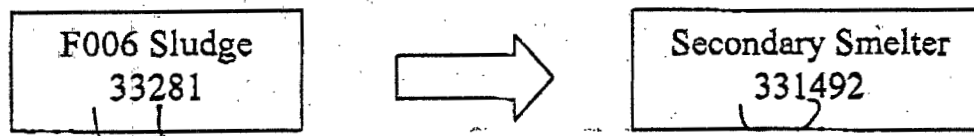
Example #1 Copper Recycling

In this example, slag, skimmings, and drosses from a primary copper smelter are recycled in a secondary copper foundry, whose secondary materials are, in turn, recycled by a secondary copper ingot maker. As you can see from the diagram, a three-digit NAICS system would work in this scenario, but not a four-digit one.



Example #2 F006 Recycling

In this example, F006 sludges from metal plater are recycled by secondary nonferrous smelter. A two-digit NAICS works but anything more specific would not.



Example #3 Spent Catalyst Recycling

In this example, spent metal catalyst from the petrochemical industry is recycled to recover the nickel values in a secondary nonferrous smelter. Here, not even a two-digit program would work. The focus should be on the recycling operation, not NAICS.



Example #4 Chromium Dichromate Recycling

Spent chromium pigment recycled by nonferrous smelter. Here again, even a two digit regime would not work.

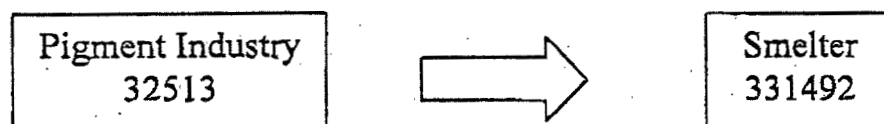


Figure 2. The spaghetti diagram indicates the flows of metals among a sample of metals processors in New England

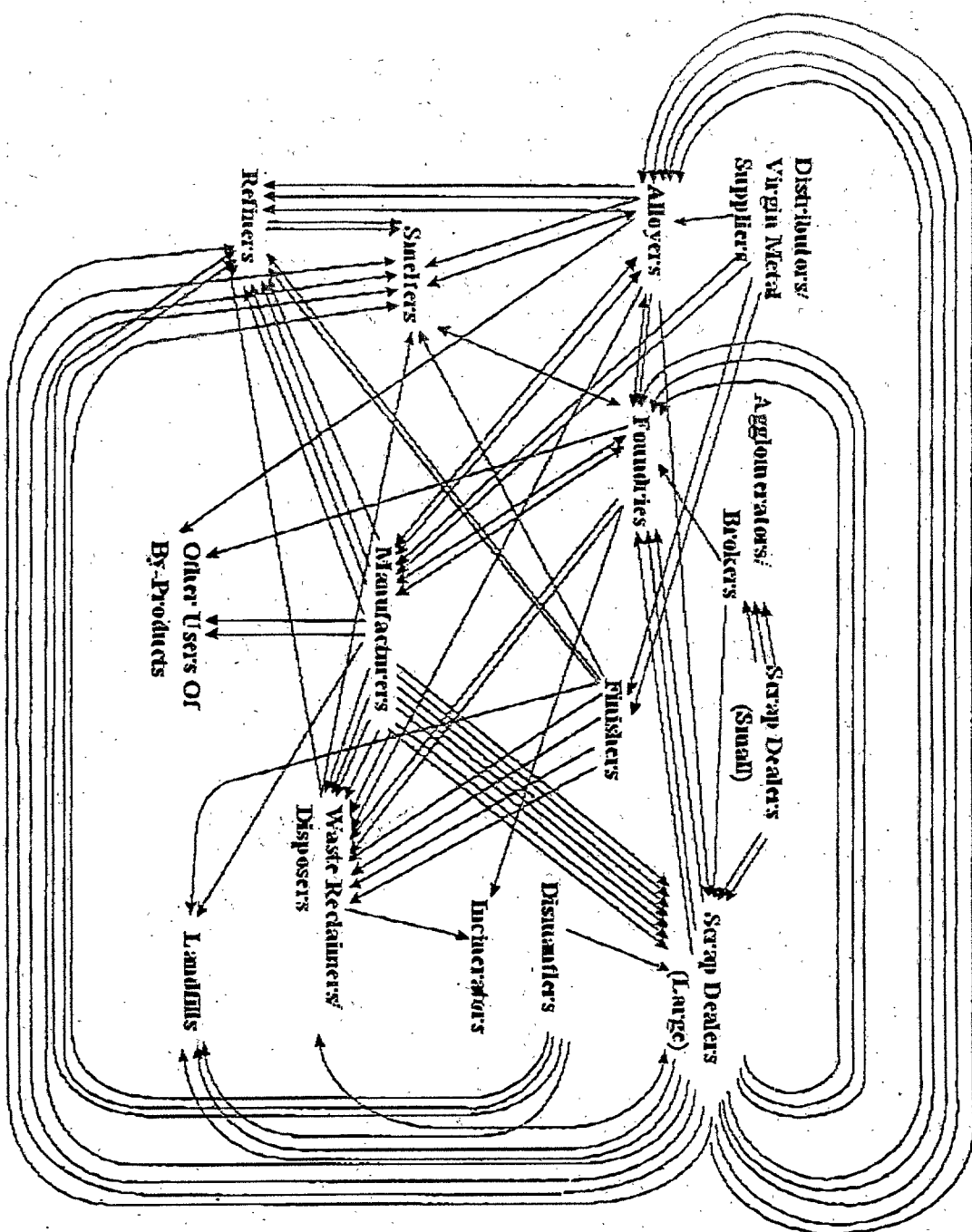


Figure 2. The spaghetti diagram indicates the flows of metals among a sample of metals processors in New England. The arrows indicate the direction of the flow, while the number of lines indicate the magnitude. Note the presence of waste reclaimers, dismantlers, and scrap dealers that allow for system closure. Source: Froesch, R.A., Clark, W.C., Crawford, J., Tschang, T.T., and Weber, A., 1996, *The Industrial Ecology of Metals: A reconnaissance*, From a talk delivered at the Royal Society/Royal Academy of Engineering meeting, May 29-30, London, U.K.